

Minutes of the Special and Regular Meeting of July 10, 2007

One Twin Pines Lane, Belmont, California

CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Dickenson, Lieberman, Feierbach, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil, Human Resources Director Sam, Public Works Director Davis, Parks and Recreation Director Politzer, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook

SPECIAL PRESENTATIONS

Swearing in of Police Sergeant Tony Psaila

Police Captain Wood described the promotion process and the definition of sergeant. He outlined Sergeant Psaila's background with the Belmont Police Department and listed the various assignments he has held.

City Clerk Cook administered the Oath of Office. Sergeant Psaila's wife pinned his badge.

Sergeant Psaila thanked his family, friends, colleagues, and retired police staff for their support.

RECESS: 7:45 P.M. (to consider Redevelopment Agency Agenda)

RECONVENE: 9:05 P.M.

PUBLIC COMMENTS AND ANNOUNCEMENTS

George Metropulos, Belmont resident, announced the American Cancer Society's upcoming Relay for Life to be held on July 14 and 15 at Carlmont High School. He noted that this year's fundraising goal is \$100,000.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Dickenson noted that Council recently received a letter alleging that he had received special privileges when the City repaired his sewer lateral. He clarified that at the time the work was done, he was not a member of the City Council or the Planning Commission. The lateral was replaced because at that time it was the best practice afforded to other residents with similar circumstances. He further commented that none of the Council members would ever take advantage of their position to obtain services that would not otherwise be available to other residents.

City Manager Crist clarified that Councilmember Dickenson's sewer lateral failed due to an error of a contractor hired by the City to perform work on the sewer main, so it was appropriate for the City to rectify the situation.

Councilmember Dickenson stated this was one of the reasons he decided to get involved in government, as he would like to allocate funds to perform lateral repairs.

Mayor Feierbach noted that Planning Commission meetings are now being televised.

Councilmember Lieberman thanked Councilmember Dickenson for publicly addressing the issue of the letter received regarding sewer laterals. He noted that Councilmember Dickenson has integrity. The letter had negative undertones.

AGENDA AMENDMENTS

City Clerk Cook noted that the Minutes of June 12, 2007 would be removed from the agenda for clarification of one item, and they would be re-agendized at the next meeting.

Councilmember Warden requested the removal of **Consent Item 4-B** (Resolution Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for the Overlay Project 2007 - Various Locations to Interstate Grading and Paving, Inc., City Contract Number 480), and Mayor Feierbach requested the removal of **Consent Item 4-C** (Resolution Authorizing the City Manager to Enter into a Professional Services Agreement with HDR/Brown, Vence & Associates to Provide Solid Waste Collection Consulting Services for an Amount not to Exceed \$34,500) for separate consideration.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for the Overlay Project 2007 - Various Locations to Interstate Grading and Paving, Inc., City Contract Number 480

Councilmember Warden inquired as to why storm drain funds were being allocated for paving. Public Works Director Davis responded that the street was not resurfaced at the time the sinkhole was repaired on this street, and the Council had authorized the allocation of \$60,000 of storm drain funds for the street repair. The actual cost came in under the estimate, and only \$23,000 of storm drain funds is proposed to be used for this repair.

Discussion ensued regarding the definition of lowest responsible bidder. City Attorney Zafferano noted that the Government Code provides a specified definition, and the City is required to award contracts to the lowest responsible bidder.

Public Works Director Davis stated that shabby work by vendors is tracked and they are not invited to do work again in the City. He noted that sometimes a bid is awarded to the second-lowest bidder.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 9901 Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for the Overlay Project 2007 - Various Locations to Interstate Grading and Paving, Inc., City Contract Number 480 was unanimously approved by a show of hands.

Resolution Authorizing the City Manager to Enter into a Professional Services Agreement with HDR/Brown, Vence & Associates to Provide Solid Waste Collection Consulting Services for an Amount not to Exceed \$34,500

In response to Mayor Feierbach, City Attorney Zafferano clarified that the City has the ability to enter into a separate contract for waste collection services and can opt out of its agreement with South Bayside Waste Management Authority (SBWMA) for that service. Public Works Director Davis also clarified that the Council set aside funds from the settlement agreement monies to hire a consultant to study the option of entering into an independent contract for waste services.

Mayor Feierbach stated she wants to return the settlement monies to the rate payers.

Finance Director Fil stated that there is a need for oversight at SBWMA and a need for seed money to seek options for waste services. If the Council desires to change the policy, it should be discussed now before additional funds are allocated.

Councilmember Dickenson stated that he has spoken with the Mayor of Redwood City regarding the SBWMA governance issue, and noted this needs to be discussed with other member cities.

Councilmember Warden stated that SBWMA should be governed by elected officials, and it is not functioning well under the current governance structure.

ACTION: On a motion by Mayor Feierbach, seconded by Councilmember Warden, Resolution 9902 Authorizing the City Manager to enter into a Professional Services Agreement with HDR/Brown, Vence & Associates to Provide Solid Waste Collection Consulting Services for an Amount not to Exceed \$34,500, was unanimously approved by a show of hands.

RECESS: 9:30 P.M.

RECONVENE: 9:35 P.M.

HEARINGS

Public Hearing to Consider Zone Text Amendments to Sections 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), 9.6.3 (Additions and Alterations to Nonconforming Structures), and 23.5.4 (Special Provisions - Residential Districts - Permitted Signage) of the Belmont Zoning Ordinance (Application No. 2007-0026)

Community Development Director de Melo stated that the Planning Commission unanimously recommended approval of these amendments to the Zoning Code. He outlined the provisions of the proposed amendments, and noted that the only finding to be made is that the amendments achieve the goals and objectives of the Zoning Code and the General Plan. He recommended that the Council grandfather in any valid applications already submitted.

In response to Council questions, Community Development Director de Melo clarified the recommended bedroom definition. He noted that applicants have become creative in their use of room terminology, and that many rooms are turned into bedrooms once the project is complete.

Councilmember Warden stated that he wants to give staff latitude regarding this issue, but does not wish to penalize applicants.

Discussion ensued regarding what triggers the need for more parking.

Councilmember Lieberman expressed concern that small lots do not support additional parking, and that parking is not an issue on some streets. He recommended using total square footage as a measure. Community Development Director de Melo stated that the variance process is available. Additional bedrooms often trigger a need for more parking. He also noted that the current triggers are working except in cases where the home already exceeds what is allowed.

Councilmember Mathewson stated that the issue of additional parking needs has been discussed for many years. Many large homes have only a one-car garage.

Mayor Feierbach opened the Hearing.

George Metropulos, Belmont resident, stated that he supported the bedroom/parking trigger issue when it came before the City Council when he was still a member, but he has changed his mind. He noted that having extra bedrooms does not necessarily mean there will be more cars. People use their garages for other uses than parking cars. The ordinance should discriminate. One size does not fit all.

Mayor Feierbach stated that small children grow up and obtain cars. Such an ordinance would be difficult to administer on a case-by-case basis.

Tim Hoffman, Belmont resident, stated that families grow and home needs grow as well. The proposed bedroom definition is problematic.

Kevin Olmsted, Belmont resident, stated that he could not afford to move when he needed a larger house, so he remodeled his existing home instead. If parking is an issue, it should not be tied to the number of bedrooms. Families should be able to live comfortably.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, the Public Hearing was unanimously closed by a show of hands.

Councilmember Lieberman stated he would support making a connection of square footage as a trigger for the need for additional parking rather than extra bedrooms. He would like to explore permit parking, especially on congested streets. This would eliminate the need for staff to have to define bedroom.

Mayor Feierbach noted that permit parking was suggested in previous years in one neighborhood, with no support from the residents. She noted that parking may now have reached a critical mass where it might be supported.

Councilmember Warden concurred that previous attempts at permit parking received no support. He noted that home ownership changes and more cars often come with new owners. The variance process is available if a homeowner has a unique situation. Garages are used for storage, while cars are parked on the street. The additional parking requirement is not onerous, and there is a need for sufficient off-street parking. If additional space is needed for the family,

they may need to move. He would support a future ordinance to address street parking. Not every house should be expanded, and current zoning addresses this issue.

Mayor Feierbach noted that a member of the audience desired to speak again on this matter.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Dickenson, the Public Hearing was unanimously reopened by a show of hands.

Kevin Olmsted, Belmont resident, stated that not everyone can afford to move, and he is offended by the suggestion. He noted that policy governs decisions by the Planning Commission, and this ordinance addresses future unknown ownership.

Councilmember Warden noted that he moved within Belmont when his home no longer suited his needs.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, the Public Hearing was unanimously closed by a show of hands.

MEETING EXTENSION: At this time, being 10:30 P.M., on a motion by Councilmember Dickenson, seconded by Councilmember Warden, the meeting was unanimously extended to 11:00 P.M. by a show of hands.

Councilmember Dickenson stated that he does not wish to see large homes on small lots. Other cities prohibit on-street overnight parking, which has increased property values. He would support a future discussion regarding parking. He noted that when permit parking was previously discussed the issue was the cost to implement. The street cleaning schedule should be tied to parking restrictions.

Councilmember Warden stated that his intent is not to force people to move. It would be irresponsible for the City Council not to address parking problems. He noted that other homes are impacted by their neighbor's overflow parking.

Councilmember Mathewson noted for the record that he parks in his garage. He is willing to try the proposed ordinance for a year, and then revisit the issue. He noted that the ordinance addressing nonconforming structures could affect his own situation, but he is supporting it, as it is the right thing to do.

Mayor Feierbach stated she supports the ordinance with a one-year review. Tandem parking should be reviewed at some future date, as should underground storage.

In response to Mayor Feierbach, Community Development Director de Melo described how well the parking triggers previously enacted have performed.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, and approved by a show of hands (4-1, Dickenson no) to introduce an ordinance by title

amending Section 2.16 (Definitions – Bedroom) of the Zoning Code, to waive further reading, and set second reading and adoption for July 24, 2007.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, and approved by a show of hands (4-1, Dickenson no) to introduce an ordinance by title amending Section 8.1.4 (Parking – Scope of Regulations) of the Zoning Code, to waive further reading, and set second reading and adoption for July 24, 2007, said amendment to be reviewed in one year.

Council concurred to have a future discussion regarding connecting parking requirements to square footage.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, and unanimously approved by a show of hands to introduce an ordinance by title amending Sections 9.6.3 (Additions and Alternations to Nonconforming Structures) and 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Zoning Code, to waive further reading, and set second reading and adoption for July 24, 2007.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, and approved by a show of hands (4-1, Dickenson no) to make the amendments effective for any applications submitted after tonight's Hearing (July 10, 2007).

RECESS: 10:55 P.M.
RECONVENE: 11:00 P.M.

MEETING EXTENSION: At this time, being 11:00 P.M., on a motion by Councilmember Mathewson, seconded by Councilmember Dickenson, the meeting was unanimously extended to 11:30 P.M. by a show of hands.

OLD BUSINESS

Update of Association of Bay Area Governments (ABAG) Regional Housing Needs Allocation (RHNA) Process

Mayor Feierbach noted that this item would be continued to a subsequent meeting (date to be determined).

NEW BUSINESS

Discussion & Direction Regarding City Staff New Position Request, Reclassifications and Departmental Reorganizations

Mayor Feierbach noted that this item would be continued to a subsequent meeting (date to be determined).

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of elimination of permit fees for solar installations (Warden)

Councilmember Warden recommended that permit fees for solar installation be eliminated as a way to encourage people to convert to solar energy. He noted that the City of Foster City recently took this action. He also noted that the Council could take action on this issue tonight with a super-majority vote.

Councilmember Dickenson stated that fiscal impact data would be needed.

Community Development Director de Melo noted that the permit fee for solar installations was recently reduced. He stated that the City has processed approximately eight to ten permits so far this calendar year.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, and approved on a roll call vote (4-1, Mathewson no) to eliminate permit fees for solar installations, said resolution to be agendaized on a future agenda, to include fiscal impact.

Consideration of city tax/fee rebate program for resident purchases of hybrid vehicles (Warden)

Due to the lateness of the hour, this item was continued to the next meeting.

Consideration of changes to business license tax fees/structure (Warden)

Due to the lateness of the hour, this item was continued to the next meeting.

ADJOURNMENT at this time, being 11:05 P.M.

Terri Cook
City Clerk

Council Meeting Tape Recorded and Videotaped
Audio Recording 670